



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON WCS Wireless, LLC REQUEST FOR WAIVER OF SECTION 27.50(a)

Comment Date: July 5, 2005

Reply Comment Date: July 15, 2005

I. Introduction:

On April 1 and May 19, 2005, respectively, WCS Wireless, LLC ("WCSW") filed sixteen applications,¹ accompanied by a request for waiver of Section 27.50(a) of the Commission's Rules, 47 C.F.R. § 27.50(a). Section 27.50(a) restricts the power at which licensees in the 2.3 GHz Wireless Communications Service ("WCS") can operate to 2000 watts peak EIRP. In requesting a waiver, WCSW states that the 2000 watt power limitation should be based upon average power rather than peak power. It states that the peak power limitation, while quite possibly appropriate when adopted in 1997, is now unduly restrictive.

Use of peak power limitation, according to WCSW, has the effect of limiting the coverage and capacity of WCS systems using sophisticated wide-band technologies such as Orthogonal Frequency Division Multiplexing (OFDM). Moreover, WCSW states that there is no corresponding benefit associated with the use of peak power, as the potential for interference against which it was designed to protect no longer exists given the fact that adjacent band operations now utilize terrestrial links.

II. Applications:

File Number ²	Applicant Name	Call Sign
0002109551	WCS Wireless License Subsidiary, LLC	KNLB301
0002109553	WCS Wireless License Subsidiary, LLC	KNLB300
0002109561	WCS Wireless License Subsidiary, LLC	KNLB299
0002109564	WCS Wireless License Subsidiary, LLC	KNLB298
0002109567	WCS Wireless License Subsidiary, LLC	KNLB297
0002109573	WCS Wireless License Subsidiary, LLC	KNLB296
0002109577	WCS Wireless License Subsidiary, LLC	KNLB295
0002109580	WCS Wireless License Subsidiary, LLC	KNLB207

¹ WCSW's applications are listed in Section II of this Public Notice.

² The initial eight applications (*i.e.* those file nos. starting with 002109...) were filed on April 1, 2005 and were amended on May 16, 2005. The second set of eight applications (*i.e.* those file nos. starting with 002166...) were filed on May 19, 2005.

0002166553	WCS Wireless License Subsidiary, LLC	KNLB208
0002166556	WCS Wireless License Subsidiary, LLC	KNLB302
0002166559	WCS Wireless License Subsidiary, LLC	KNLB303
0002166576	WCS Wireless License Subsidiary, LLC	KNLB304
0002166614	WCS Wireless License Subsidiary, LLC	KNLB305
0002166630	WCS Wireless License Subsidiary, LLC	KNLB306
0002166676	WCS Wireless License Subsidiary, LLC	KNLB307
0002166700	WCS Wireless License Subsidiary, LLC	KNLB308

III. General Information:

Interested parties may file comments on WSCW's Section 27.50(a) waiver request on or before **July 5, 2005**. Parties interested in submitting reply comments must do so on or before **July 15, 2005**. All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.³ A copy of each filing also should be sent to 1) Best Copy and Printing, Inc., 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554; and 2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center (RIC), 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554.

The waiver request and responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail www.bcpweb.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Michael Ferrante or Moslem Sawez of the Mobility Division of the Wireless Telecommunications Bureau at (202) 418-0620, TTY (202) 418-7233 or via email to Michael.Ferrante@fcc.gov or Moslem.Sawez@fcc.gov.

By the Associate Chief, Mobility Division, Wireless Telecommunications Bureau.

³ The address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).